

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAWNETHAN INVESTMENT
PARTNER,

Plaintiff,

v.

CRAWFORD ET AL,
Defendant.

No. C 12-01265 CRB

ORDER REMANDING CASE

Defendant Deborah Crawford removed this case from state court on March 14, 2012. See dk. 1. The case was reassigned on March 29, 2012. See dk. 9. Upon review of the state court complaint attached to the Notice of Removal, see dk. 1 Ex. A, it is apparent to the Court that it does not have jurisdiction over this case.


Federal question jurisdiction exists only when a federal question exists on the face of a well-pleaded complaint. See Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th Cir. 2002). The state court complaint here involves only a claim of unlawful detainer. See dk. 1 Ex. A (“COMPLAINT FOR UNLAWFUL DETAINER”). Therefore, no federal question is presented. See Deutsche Bank Nat. Trust Co. v. Ashley, No. 07-cv-1164-BEN, 2007 WL 2317104, at *1 (S.D. Cal. Aug. 8, 2007). That Defendant apparently raised a federal question in her state court demurrer, see dk. 1 at 2, does not give the Court subject

1 matter jurisdiction. See Alton Box Bd. Co. v. Esprit de Corp., 682 F.2d 1267, 1274 (9th Cir.
2 1982) (“That anticipated federal defenses do not suffice to establish federal question
3 jurisdiction is a principle too well-established in this circuit to merit discussion.”).
4 Moreover, based upon the face of the well-pleaded complaint, which alleges that the amount
5 in controversy does not exceed \$10,000, and indicates that Defendants are what is known as
6 local defendants (residing in the State in which this action has been brought), see dkt. 1 Ex.
7 A at 1-2, there is also no diversity jurisdiction. See 28 U.S.C. § 1441(b).

8 Accordingly, this case is REMANDED to Santa Clara County Superior Court.

9 **IT IS SO ORDERED.**

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11 Dated: April 6, 2012


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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE